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Washington, D.C.

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OFFICE OF GENERAL
COUNSEL

In the Matter of:

Complaint of The Joe Miller for U.S. Senate Campaign

No. MUR 6403

RESPONSE OF JASON MOORE TO THE COMPLAINT FILED
BY THE JOE MILLER FOR U.S. SENATE CAMPAIGN

Pursuant to 2 U.S.C. § 437g(a)(1) and Section 111.6 of the regulations of the Federal Election Commission ("FEC"), 11 C.F.R. § 111.6, Jason Moore respectfully submits this Response to the Complaint filed by The Joe Miller for U.S. Senate Campaign ("Campaign"). As further explained herein, the Campaign's charge that Jason Moore has violated campaign finance laws (and certain other laws outside the jurisdiction of the FEC) has no factual or legal basis, and no action should be taken against Mr. Moore on the basis of the Complaint. The Complaint against Mr. Moore should be recommended for dismissal.

I. INTRODUCTION

The Campaign's Complaint repeatedly declares that Mr. Moore is the "operator" of Alaskans Standing Together ("AST") without elaboration or any foundation for that assertion. See Complaint at 1-2. The Complaint further contends that Mr. Moore, together with AST and the named Alaska Native Corporations, has "brazenly violated federal election law" and illegally "use[d] federal money to buy off an election," again without identifying any conduct specifically attributable to Mr. Moore. See Complaint at 3. What is actually "brazen," is the Campaign's allegation

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that Mr. Moore has engaged in "election fraud and criminal diversion of federal money." See Complaint at 6.

Given that Mr. Moore is not the "operator" of AST, nor has any actual authority with regard to AST, and there is no evidence that Mr. Moore ever solicited contributions to AST from the other respondents or any other entity, the Campaign's naming of Mr. Moore as a Respondent to the Complaint is simply reckless. Because the accusations in the Complaint against Mr. Moore are wholly devoid of any factual and legal support, a swift recommendation for dismissal is warranted.

II. ARGUMENT

As indicated in the attached Affidavit of Jason Moore, the Campaign's vague allegations against Mr. Moore are based on erroneous assumptions with respect to Mr. Moore's relationship to AST. The Complaint inexplicably refers to Mr. Moore as the "operator" of AST. See Complaint at 1-2. Although it is unclear what exactly being an operator of a political action committee might entail, it is clear that Mr. Moore was not the operator of AST or otherwise affiliated with AST beyond his role as an employee of a service provider to AST. See Affidavit at 6.

For example, Mr. Moore is not listed on AST's Statement of Organization as Treasurer, Custodian of Records, or in any other capacity. Nor is Mr. Moore identified in any publication or record as a director, officer, or controller of AST. Rather, as indicated in his affidavit, Mr. Moore is employed as a media strategist and account executive with MSI Communications, Inc. ("MSI"), a marketing and public relations firm that was engaged by AST in connection with its activities to support the election of Lisa Murkowski and oppose the election of Joe Miller to the U.S. Senate.

See Affidavit at 3. As further explained in the attached Affidavit, Mr. Moore's role was to provide consulting advice and expertise with regard to media strategy and planning, coordinate account activities between MSI and AST, and act as a spokesperson with regard to press activities, providing information that was approved by AST. See Affidavit at 4. In no reasonable way can this be considered to make Mr. Moore the "operator" of AST.

The Campaign also erroneously states that Mr. Moore illegally solicited \$805,000 from known federal contractors. See Complaint at 3. Again, this accusation is made without any factual support and could not be further from the truth. As indicated in the attached Affidavit, Mr. Moore never solicited any contributions to AST from any known federal contractor or any other entity. See Affidavit at 7. The Complaint presents no evidence to the contrary, because there simply is none.

III. CONCLUSION

As discussed above and as supported by the attached Affidavit, Mr. Moore is not the "operator" of AST, has no authority with regard to AST, and has never solicited contributions to AST from any known federal contractor or any other entity. The claims made in the Complaint are false and unsupportable and should be dismissed as the frivolous charge that they are. Accordingly, no action should be taken against Mr. Moore on the basis thereof.

DATED this 20th day of November, 2010.

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